

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANIEL W. KINARD,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS,

Respondent.

Case No. 1:14-cv-00730-SMS HC

ORDER TRANSFERRING THIS CASE TO
THE U.S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA

On April 23, 2014, Petitioner Daniel W. Kinard filed this *pro se* petition for writ of habeas corpus in the District Court for the District of Columbia. Since the proper respondent was the Warden of the United States Penitentiary in Atwater, California, where Petitioner was then confined, the District Court for the District of Columbia ordered the case transferred to this District. In the meantime, however, Petitioner was transferred to the Federal Detention Center in Oakdale, Louisiana.

A habeas action is subject to jurisdictional and statutory limitations. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973). The proper respondent in a habeas corpus action is the warden of the institution in which the petitioner is confined. *Rumsfield v. Padilla*, 542 U.S. 426, 434 (2004). In this case, following Petitioner's recent transfer, the proper respondent is the Warden of the Federal Detention Center in Oakdale, Louisiana. Because the habeas petition must be

1 reviewed by the district court in the district where the petitioner is confined (*United States v.*
2 *Giddings*, 740 F.2d 770, 772 (9th Cir. 1984)), this Court must transfer the petition to the District
3 Court for Western District of Louisiana.

4 Accordingly, the Court hereby ORDERS that this case be TRANSFERRED to the United
5 States District Court for the Western District of Louisiana.

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7 IT IS SO ORDERED.

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9 Dated: **June 17, 2014**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE